IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 8099 of 2004

Between:

M/S. S.R. Traders rep.by its Prop: R.Sundar Raj S/o Raman, aged about 49 years,H.No.18-7-Srinivasanagar Colony, Shadnagar, Farooqnagar Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 Deputy Superintendent of Police Shadnagar, Mahabubnagar District.
2 Circle Inspector of Police, Police Station, Shadnagar, Mahabubnagar District.
3 Sub Inspector of Police , Police Station, Shadnagar, Mahabubnagar District.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in interfering day to day business of the petitioner i.e.,M/S S.R.Traders, situated at Door No.19-158, Venkateshwara Colony, Shadnagar , Mahabungar District as illegal, arbitrary and without jurisdiction and consequently direct the Respondents herein not to interfere with the petitioner's day to day business and to grant such other order or orders as this Hon'ble Court may deems fit and proper.

For the Petitioner: MR.Y.ASHOK RAJ,Advocate.

For the Respondents : THE GP FOR HOME.

The Court made the Following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in interfering with the business of the petitioner, who has been carrying on business in the manufacture of household items and steel items as per the requirement of the customers. It is also his case that he is selling not only on outright basis, but also on installment basis. The said action of the petitioner is not in contravention of any provisions of law. Therefore, the respondents' authorities have no business to interfere with his activities of his trade.

2. This matter came up for admission on 28.04.2004, and thereafter the matter was adjourned thrice for the purpose of getting instructions by the learned Government Pleader. In spite of it, no instructions were obtained by the learned Government Pleader so far. Therefore, the writ petition is disposed of hearing the learned counsel for the petitioner.

3. Admittedly, the petitioner is carrying on business in the name and style of M/S.S.R.Traders at door No.19-158, Venkateswara colony, Shadnagar, Mahabubnagar District. It is the case of the petitioner that he has been selling household items and steel items, which are made as per the customers' requirement. The sale is not only on outright basis, but also on installments basis. According to the petitioner, there is no violation of any of the provision of law in the process and no complaint was also made by any of his customers. Therefore, the respondents 2 and 3 have no jurisdiction to interfere with the said business of the petitioner. In the light of the

specific contentions advanced by the learned counsel for the petitioner, the respondents 2 and 3 have no business to interfere with the activity of the petitioner unless there are any complaints and any cases are registered against the petitioner. In the absence of any complaints and cases registered against the petitioner, the respondents 2 and 3 are not entitled to interfere with the petitioners' business.

4. Accordingly, the writ petition is disposed of directing the respondents 2 and 3 not to interfere with the business of the petitioner.

Dvs

1 Deputy Superintendent of Police Shadnagar, Mahabubnagar District.
2 Circle Inspector of Police, Police Station, Shadnagar, Mahabubnagar District.
3 Sub Inspector of Police , Police Station, Shadnagar, Mahabubnagar District.
4. Two CCs.to GP for Home, High Court of A.P.Buildings, Hyderabad.(OUT). 5. Two CDs.

THE HONBLE MR. JUSTICE S. ANANDA REDDY

W.P.No. 8099 of 2004

ORAL ORDER

28…06…2004